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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

J. DOE 1, et al.,
 Individual and Representative Plaintiffs
 v.
 GITHUB, INC., et al.,
 Defendants.

Case Nos. 4:22-cv-06823-JST
 4:22-cv-07074-JST

Hon. Jon S. Tigar

**STIPULATION AND [PROPOSED]
 ORDER FOR BRIEFING SCHEDULE**

Date: February 6, 2024

AND CONSOLIDATED ACTION

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Startup Fund I, L.P., OpenAI Startup Fund
17 *Management, L.L.C., OpenAI, L.L.C.,*
OpenAI Global, LLC, OAI Corporation,
18 *OpenAI Holdings, LLC, OpenAI HoldCo,*
LLC, OpenAI Investment LLC, OpenAI
19 *Startup Fund SPV I, L.P., and OpenAI*
Startup Fund SPV GP I, L.L.C.
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Pursuant to Northern District of California Local Rule 6-1, the parties in the above-captioned action hereby stipulate and agree as follows:

WHEREAS, on January 24, 2024, Plaintiffs Doe 1, Doe 2, Doe 3, Doe 4, and Doe 5 (the “Plaintiffs”) filed a Second Amended Complaint (the “SAC,” ECF No. 198) against Defendants GitHub, Inc.; Microsoft Corporation; OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; OpenAI Startup Fund Management, L.L.C.; OpenAI, L.L.C.; OpenAI Global, LLC; OAI Corporation; OpenAI Holdings, LLC; OpenAI HoldCo, LLC; OpenAI Investment LLC; OpenAI Startup Fund SPV I, L.P.; and OpenAI Startup Fund SPV GP I, L.L.C.¹ in the above-captioned consolidated action (the “Action”);

WHEREAS, Defendants apart from OpenAI, L.L.C., OpenAI Global, LLC, OAI Corporation, OpenAI Holdings, LLC, OpenAI HoldCo, LLC, OpenAI Investment LLC, OpenAI Startup Fund SPV I, L.P., and OpenAI Startup Fund SPV GP I, L.L.C. were served on January 24, 2024;

WHEREAS, apart from OpenAI, L.L.C., OpenAI Global, LLC, OAI Corporation, OpenAI Holdings, LLC, OpenAI HoldCo, LLC, OpenAI Investment LLC, OpenAI Startup Fund SPV I, L.P., and OpenAI Startup Fund SPV GP I, L.L.C, Defendants’ responses to the SAC are currently due February 7, 2024;

WHEREAS, Defendants OpenAI, L.L.C., OpenAI Global, LLC, OAI Corporation, OpenAI Holdings, LLC, OpenAI HoldCo, LLC, OpenAI Investment LLC, OpenAI Startup Fund SPV I, L.P., and OpenAI Startup Fund SPV GP I, L.L.C. were served on February 2, 2024;

WHEREAS, the current deadline for Defendants OpenAI, L.L.C., OpenAI Global, LLC, OAI Corporation, OpenAI Holdings, LLC, OpenAI HoldCo, LLC, OpenAI Investment LLC,

¹ GitHub, Inc. is referred to as “GitHub.” Microsoft Corporation is referred to as “Microsoft.” OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; OpenAI Startup Fund Management, L.L.C.; OpenAI, L.L.C.; OpenAI Global, LLC; OAI Corporation; OpenAI Holdings, LLC; OpenAI HoldCo, LLC; OpenAI Investment LLC; OpenAI Startup Fund SPV I, L.P.; and OpenAI Startup Fund SPV GP I, L.L.C. are referred to herein as “OpenAI Defendants.” GitHub, Microsoft, and OpenAI Defendants are referred to herein as “Defendants.”

OpenAI Startup Fund SPV I, L.P., and OpenAI Startup Fund SPV GP I, L.L.C to respond to the SAC is February 23, 2023;

WHEREAS, Defendants in the Action have not filed any responses to the SAC;

WHEREAS, Civil Local Rule 6-1(a) permits the parties to “stipulate in writing, without a Court order, to extend the time within which to answer or otherwise respond to the complaint” so long as “the change will not alter the date of any event or any deadline already fixed by Court order”;

WHEREAS, Civil Local Rule 6-1(b) permits the parties to stipulate to enlarge or shorten the deadline for papers, other than an initial response to a complaint, required to be filed with the Court;

WHEREAS, the parties have conferred and agreed to an extension of the deadline for Defendants to move or otherwise respond to the SAC;

WHEREAS, the parties have conferred and agreed to a briefing schedule in the event Defendants move to dismiss the SAC;

WHEREAS, there has not been an extension for the filing of responsive pleadings to the SAC;

WHEREAS, an extension of the deadline to respond to the SAC will not alter the date of any event or deadline already fixed by Court order; and,

WHEREAS, Defendants do not waive, and expressly reserve, all available defenses;

NOW THEREFORE, the parties, through their undersigned counsel, hereby stipulate and agree pursuant to Local Rule 6-1(a) that Defendants’ deadline to respond to the SAC shall be February 28, 2024.

NOW THEREFORE, the parties, through their undersigned counsel, hereby stipulate and agree, subject to the approval of the Court:

1. Plaintiffs’ oppositions to any motion(s) filed by Defendants in response to the SAC shall be due March 27, 2024.
2. Defendants’ replies to any such motions shall be due April 10, 2024.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1 DATED: _____

JON S. TIGAR
United States District Judge

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4 Dated: February 6, 2024

ORRICK, HERINGTON & STUCLIFFE LLP

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6 By: /s/ Annette L. Hurst
ANNETTE L. HURST
Attorneys for GitHub, Inc. and Microsoft
Corporation

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8
9 Dated: February 6, 2024

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11 By: /s/ Joseph C. Gratz
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14 OpenAI Startup Fund I, L.P., OpenAI
Startup Fund Management, L.L.C.,
15 OpenAI, L.L.C., OpenAI Global, LLC,
OAI Corporation, OpenAI Holdings, LLC,
16 OpenAI HoldCo, LLC, OpenAI
Investment LLC, OpenAI Startup Fund
17 SPV I, L.P., and OpenAI Startup Fund
SPV GP I, L.L.C.

18
19 Dated: February 6, 2024

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21 By: /s/ Joseph R. Saveri
JOSEPH R. SAVERI

22 Attorneys for Individual and
23 Representative Plaintiffs and
the Proposed Class

L.R. 5-1 SIGNATURE ATTESTATION

As the ECF user whose user ID and password are utilized in the filing of this document, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: February 6, 2024

/s/ Joseph C. Gratz
Joseph C. Gratz